

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

MDL 2724

16-MD-2724

HON. CYNTHIA M. RUGE

THIS DOCUMENT RELATES TO:

1199SEIU Nat'l Benefit Fund et al. v. Actavis Holdco U.S., Inc. et al.

No. 16-CB-27242

American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan et al. v. Mylan Inc. et al.

No. 16-CM-27242

American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan et al. v. Apotex Corp. et al.

No. 16-PV-27242

ORDER

AND NOW, on this 10th day of November 2020, upon consideration of the attached Stipulation, which applies to Civil Action Nos. 16-CB-27242, 16-CM-27242, and 16-PV-272422, and relates to claims under Connecticut, Georgia, and Maryland state laws, it is hereby **ORDERED** that the Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUGE, J.

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HON. CYNTHIA M. Rufe

JOINT STIPULATION CONCERNING PLAINTIFFS' CLAIMS UNDER CONNECTICUT, GEORGIA, AND MARYLAND STATE LAWS IN THE EPP BELLWETHER CASES

WHEREAS, on February 15, 2019 the court issued an Opinion (MDL Doc. 857) and Order (MDL Doc. 858) (together, "State Law Opinion and Order") resolving, *inter alia*: "Group 1 Defendants' Motions to Dismiss the state law claims brought on behalf of the Group 1" End-Payer Plaintiffs ("EPPs");

WHEREAS, on March 8, 2019 the court entered Pretrial Order No. 79 (MDL Doc. 906) that, *inter alia*, permitted EPPs to amend their complaints to reflect the rulings in the State Law Opinion and Order and to add claims under the laws of Connecticut and Maryland, and allowed Defendants in Group 1 complaints to seek dismissal of those state law claims added by amendment to Group 1 complaints;

WHEREAS, on April 1, 2019, in response to the Court's State Law Opinion and Order and pursuant to Pretrial Order No. 79, EPPs filed amended complaints, including the EPP class-action complaints as to clobetasol, clomipramine, and pravastatin (the "EPP Individual Drug Bellwether Complaints");

WHEREAS, in order to preserve their appellate rights, EPPs re-alleged in the EPP Individual Drug Bellwether Complaints certain state law claims that were modified or dismissed by the Court in its State Law Opinion and Order, and Defendants reserve their rights to oppose any appeal by EPPs on those claims, and their rights to appeal any dismissal (or lack) thereof, and any defenses that a Defendant asserted on its own behalf in its Group 1 Rule 12 motions;

WHEREAS, on October 7, 2020 the Court entered an Order (MDL Doc. 1549) setting a deadline of November 2, 2020 for Defendants to file their responses to the EPP Individual Drug Bellwether Complaints;

WHEREAS, on November 3, 2020 the Court entered an Order (MDL Doc. 1576) that, *inter alia*, extended the deadline for Defendants to file their responses to the EPP Individual Drug Bellwether Complaints until November 9, 2020;

WHEREAS, in their Individual Drug Bellwether Complaints EPPs have newly alleged claims under the state laws of Connecticut and Maryland that were neither briefed by the parties nor addressed in the Court's State Law Opinion and Order;

WHEREAS, the parties agree that the Connecticut and Maryland statutes under which the EPPs have asserted claims do not apply retroactively;

WHEREAS, in their Individual Drug Bellwether Complaints EPPs have newly alleged claims under the Georgia Fair Business Practices Act, Georgia Code Ann. § 10-1-390, *et seq.*;

WHEREAS, in its State Law Opinion and Order the Court interpreted the Georgia Fair Business Practices Act, and the Parties agree that the Court's interpretation of that law should apply to the EPPs' claims, and that the Parties reserve their rights to seek appellate review with respect to those claims; and

WHEREAS, Defendants acknowledge that the State Law Opinion and Order and this Stipulation shall govern all state law claims asserted in the EPP Individual Drug Bellwether Complaints except for the state law claims that are the subject of Defendants' forthcoming responses to the EPP Individual Drug Bellwether Complaints, and Defendants reserve their rights to seek appellate review as to state law claims in the EPP Individual Drug Bellwether Complaints that are not the subject of Defendants' forthcoming responses to the complaints.

It is hereby STIPULATED AND AGREED, by and among the undersigned counsel as follows:

1. The Connecticut and Maryland statutes invoked by EPPs shall not be applied retroactively and damages, if any, arising from the EPP claims under Connecticut and Maryland law shall accrue from the date of passage of those statutes, respectively.
2. EPPs shall not seek relief under the Georgia Fair Business Practices Act in a representative capacity and may only do so individually on behalf of each named Plaintiff.

IT IS SO STIPULATED.

Dated: November 9, 2020

/s/ Roberta D. Liebenberg

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Respectfully submitted,

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